

recitation does not impart “any physical feature to the composition that is not present in the prior art composition.” However, Shapira does not teach or suggest the **specific combination** of vitamin E, lutein and  $\beta$ -carotene as claimed. Rather, Shapira discloses a soft drink which contains a carotenoid mix including at least one carotenoid and optionally, Vitamin E. See col. 1, lines 64-66, the examples, and the claims. There is no teaching or suggestion in Shapira that the soft drink is required to include vitamin E **and** lutein **and**  $\beta$ -carotene. As this was a rejection for anticipation, there can be no picking or selection from a list of possible ingredients. See, In re Arkley, 172 USPQ 524, 526 (CCPA 1972).

Accordingly, Shapira’s **general** teaching of a nutritional soft drink comprising at least one carotenoid and optional vitamin E does clearly does not anticipate the **specific** claimed combination of vitamin E, lutein and  $\beta$ -carotene in a pet food composition for enhancing immune response.

Claims 7-9 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira. The Examiner acknowledges that Shapira does not teach the claimed amounts of vitamin E, lutein, and  $\beta$ -carotene, but reasons that it would have been obvious to determine the “optimum ingredient amounts”. However, there is no motivation for one skilled in the art to make such a determination as there is no teaching or suggestion in Shapira that would lead one to use the **specific combination** of vitamin E, lutein and  $\beta$ -carotene in a pet food composition for the purpose of enhancing immune response. Shapira’s general teaching of a carotenoid mix and optional vitamins does not provide sufficient motivation or guidance to use the specifically claimed combination of vitamin E, lutein and  $\beta$ -carotene, especially when there is no teaching or suggestion in Shapira of a composition for enhancing immune response in companion animals.

Applicant notes the Examiner’s indication that claims 1-6 are in condition for allowance as none of the prior art teaches or suggests the claimed method for enhancing immune response, optimizing immune cells, or optimizing vaccine recognition in a dog. Applicant submits that claims 7-8 and 10 are also patentable over the prior art for the same reasons, i.e., none of the prior art teaches or suggests a pet food product for enhancing immune response in a dog comprising the specific combination of vitamin E, lutein and  $\beta$ -carotene.

For all of the above reasons, applicant submits that claims 7-8 and 10 are patentable over the cited art of record. Claims 1-6 already stand allowed. Early notification of the allowance of all claims is respectfully solicited.

Respectfully submitted,  
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